

Jeopardy Assessment

for the Proposed Incidental Taking Permit
of the Peregrine Falcon

Ashland Ore Dock Removal Project
Ashland County, Wisconsin

Background

The Peregrine Falcon (*Falco peregrinus*), a bird listed as Endangered in Wisconsin, nests primarily on high cliffs or bluffs, although some birds have taken up residence on ledges of skyscrapers or smoke stacks in large cities. High ledges near open water are preferred for nesting. The nest is a scrape, usually placed on open ledges, holes, or recesses of either igneous or sedimentary rock, or in loose soil, sand or vegetation, with no added nesting material, also, rarely in hollows of old trees 50-90 feet up.

Peregrine falcons eat small to medium-sized birds. Those living in urban areas eat large numbers of pigeons and starlings. Peregrines will eat a great variety of species, however, including flickers, robins, sparrows and meadowlarks depending on what is available. Peregrines hunt primarily at dawn and dusk, when their prey is most active. They strike and capture birds in mid-air, a strategy that requires open space. Thus, they often hunt over open water, marshes, valleys, fields and tundras.

The proposed project involves the abandonment and removal of the SOO Line Ore Dock and its associated trestle approach. The land-based trestle approach will be razed, followed by the top-decking features and subsequently the elevated concrete dock features will be demolished down to the lower pier.

Jeopardy Assessment

The proposed project, coordinated by Veit and Company, Inc. (Veit) on property owned by Wisconsin Central Ltd (WCL), will result in the demolition over time of the Ashland Ore Dock, where a pair of Peregrine Falcons nested in 2009. The Department has determined that the proposed project will not jeopardize the continued existence or recovery of the state population of these animals. The recent arrival of the falcon breeding pair in Chequamegon Bay has resulted in negative consequences for another state endangered bird, the Common Tern, whose entire colony production of young was lost in 2009 due to disturbance and predation activities of the peregrines. A conflict between two state endangered species is rare. The Common Tern is a species critically endangered in the state, with only 4 extant breeding colonies in the state. The Department has worked for over 20 years to establish Common Terns on Lake Superior, and Wisconsin has the only two Common Tern colonies on the big lake. The Peregrine Falcon in contrast has been at or above the state's recovery goal of 20 nesting pairs for 7 years now, with 32 pairs nesting in the state in 2009. The proposed project will result in the displacement of the peregrine pair from the Ashland Ore Dock, and in the unlikely event that viable eggs or young might be discovered at the Ore Dock during demolition activities (or preparation for demolition) in 2010, a plan is in place to rescue them and transfer them to a facility for foster care.

Conservation Measures

Prior to and during demolition and/or abatement activities, Veit or WCL personnel or their designated agents will install physical deterrents within the area of the 2009 nest site. The physical deterrents will be installed prior to egg laying and incubation activities. Physical deterrents may include the following:

- Plastic spikes specifically designed to deter birds
- Girder spikes – prevents large birds from landing or nesting on girders or I-beams

- Spiders – visual scare deterrent with steel “arms” that sway and bounce in the breeze
- Netting
- Slopes

If during installation of deterrents and prior to receiving the Incidental Take Permit, Veit or WCL personnel or their designated agents observe an egg or eggs within a nest site, the following measures will be taken:

- All deterrent installation activities and demolition/abatement activities adjacent to the nest site will stop immediately.
- Veit or WCL personnel or their agent will create a buffer zone by temporarily blocking access to the nest site.
- All personnel will avoid the nest site area.

Following receipt of Incidental Take Permit, the following actions will be executed:

- Veit or WCL personnel or their agents will immediately contact individuals with Raptor Education Group to schedule removal of any egg(s) for transport to their facility.
- Deterrent installation and demolition/abatement activities adjacent to the nest site will commence following removal of the egg(s).
- If additional falcon nest sites are discovered during installation activities, the above measures will be taken.